



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION
WEDNESDAY, NOVEMBER 17, 2021
AT 6:30 P.M.**

1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the Regular Meeting of the Upland Planning Commission to order at 6:31 P.M. in the Council Chambers of Upland City Hall.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Vice Chair Grahn*.

3. ROLL CALL

MEMBERS PRESENT: Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Johnson, and Mayer

MEMBERS ABSENT: Commissioners Caldwell and Shim

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Deputy City Attorney Maldonado, Associate Planner Winter, Administrative Analyst Davidson

4. APPROVAL OF MINUTES

Moved by *Commissioner Anderson*, to approve the Minutes of the Planning Commission meeting of September 22, 2021, as amended.

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (5-0-2):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Johnson, and Mayer*

NAYS: *None* **ABSTAINED:** *None*

ABSENT: *Commissioners Caldwell and Shim*

5. COUNCIL ACTIONS

Development Services Director Dalquest reported a Special Joint Workshop of the City Council and the Planning Commission was held on September 23rd to discuss the Housing Element Update. He advised the document was finalized and submitted to the California Department of Housing and Community Development (HCD) for their review well in advance of the October 15th deadline. He reported staff had a meeting with HCD to discuss their comments. He noted the City's consultant advised the City would probably receive a long letter that includes clarifications and additional information. He reported at the September 27th City Council meeting, there was a public hearing to discuss the City-owned property on the northwest corner of 9th Street and Bodenhamer Street which an individual was interested in purchasing. He reported the property is not buildable because of the storm drain underneath and the City Council decided to turn the property into a park. He advised the City Council approved the initial design and appropriated a budget of \$664,000 to construct the park. He reported the City Council authorized staff at the October 11th meeting to apply for a Local Early Action Planning (LEAP) grant and noted it is a per-capita grant guaranteed by the State as long as the City complies with the grant for housing production. He advised staff applied for a \$300,000 grant to cover the cost of rezoning several properties that are on the Housing Sites Inventory, as well as compliance with the California Environmental Quality Act (CEQA) and the preparation of the CEQA document. He advised the properties may come before the Planning Commission in phases. He advised there were no reportable items from the October 25th City Council meeting

and two reportable items from the November 8th meeting. He reported the public hearing on the commercial mixed-use project comprising of a self-storage facility on 1382 East Foothill Boulevard was approved unanimously. He advised AT&T proposed a Mono-Eucalyptus Cellular Tower behind the north baseball field at Memorial Park. He noted a few members of the City Council expressed concern that it was taking up space at a recreational area and requested staff look at areas along San Bernardino Road while the item is held in abeyance. He advised staff has come up with an option of placing it at the approved mixed-use project and will be discussing it further during the Closed Session at the meeting on November 22nd.

6. FUTURE AGENDA ITEMS

Development Services Director Dalquest reported the next Planning Commission meeting will be on December 15th will include public hearings. He advised one public hearing is for a Conditional Use Permit for a firearms retailer at 1810 West Foothill Boulevard. He reported the second public hearing for a Conditional Use Permit for a Type 47 Alcoholic Beverage Control (ABC) License which is on-sale beer, wine, and distilled spirits at 430 Central Avenue for the Pollos Kikiryki restaurant.

7. ORAL COMMUNICATIONS

Chair Aspinall opened oral communications. Seeing no members of the public wishing to address the Commission, *Chair Aspinall* closed oral communications.

8. PUBLIC HEARING

A. CONDITIONAL USE PERMIT NO. 21-0009

Project Description:	Consideration of a request to allow a 920 square foot second story Accessory Dwelling Unit above an existing detached garage in the RS-20 (Residential Single-Family Low) District. The project site is located at 2376 N. Euclid Avenue, further described as Assessor's Parcel Number 1043-051-42. (Project Planner: Joshua Winter)
CEQA Determination:	This Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines.
Applicant:	Klaus Pikschus
Appeal Period:	The Planning Commission's decision is final. An appeal period to contest this decision is November 18, 2021, to November 29, 2021.

Associate Planner Winter reported the request is to consider Conditional Use Permit (CUP) No. 21-0009 to build a 920 square foot second-story Accessory Dwelling Unit (ADU) above an existing detached garage. He reported the Applicant discussed the project with the Planning Division in July 2020 where a pool, patio cover, and ADU were discussed, and stated the Applicant moved forward with the pool and the patio cover only at that time. He noted in the interim, the City adopted the ADU Ordinance in January 2021 which prohibited two-story detached ADUs. He reported the Applicant revisited the Planning Division in June 2021 and learned that the Municipal Code had changed. He explained there is a provision within the Municipal Code that allows for residents with ADUs that do not comply to apply for a CUP to build the ADU.

Associate Planner Winter presented the site plan and advised the ADU cantilevers out a few feet from the existing garage. He advised the ADU is 920 square feet and is located on the southeast corner directly above the garage. He reported the front, side and rear setbacks and advised the property meets all of the development standards, except for the size and height of the ADU.

Associate Planner Winter presented the floor plan and explained the first issue is that a 920 square foot ADU would require two bedrooms strictly according to the Municipal Code. He advised one-bedroom ADUs are limited to 850 square feet. He explained that considering the proposed ADU is under 1000 square feet and there is no exterior evidence that it is a one or two-bedroom it was not viewed as an issue. He presented a rendering of the proposed west elevation which is proposed at 30 feet tall with an 8 over 12 sloped roof to match the

architecture of the home which is required by the ADU Ordinance. He explained considering the ADU exceeds the required setbacks and is under the 35-foot height limit for the Zoning District, staff did not view this as an issue. He noted there will be a limited view of the ADU from the street and there are no windows or openings that face the neighbor's lots. He advised the neighbor to the rear expressed concern regarding maintaining his privacy in his backyard because the balcony sticks out a bit. He advised the Applicant agreed to a Condition of Approval requiring the portion of the balcony facing the rear neighbor would have a solid wall to maintain privacy which was acceptable to the concerned neighbor.

Associate Planner Winter explained that because the Municipal Code does not expect a detached ADU to be two stories it prohibits balconies on an attached ADUs. He explained the balconies will not be invading any of the neighbor's privacy and staff did not have an issue with the inclusion of the balconies. He advised staff recommends the Planning Commission find the project Categorically Exempt from CEQA and approve Conditional Use Permit No. 21-0009.

In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* reported the maximum height for a detached ADU in this zone is 16 feet and a detached accessory structure such as a garage would be 15 feet. *Development Services Director Dalquest* advised the 16 feet would be state law requires the City to allow.

In response to *Vice Chair Grahn's* inquiries, *Associate Planner Winter* explained given the setbacks there is potential for a 35-foot tall, two-story primary residence, 20 feet from the rear property line, and 10 feet from the sides. In regards to the floor area, he confirmed the loft area for primary storage is not livable and is not counted in the floor area of the ADU.

In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* reported the only neighbor who voiced any concerns was the neighbor to the rear.

Chair Aspinall opened the public hearing.

Klaus "Dan" Pikschus, applicant, reported he has lived in Upland all his life and owns Klaus & Sons Plumbing, Heating, and Air Conditioning. He noted the importance of properties on Euclid Avenue needing to have good curb appeal and is trying to make sure it fits in with the beauty of the neighborhood.

Chair Aspinall noted the property is beautiful and inquired if *Mr. Pikschus* was planning to rent out the ADU. *Mr. Pikschus* advised his mother-in-law would be living in the ADU and would potentially be available for his daughter to move into in the future.

Commissioner Johnson advised he walked the area today, wished *Mr. Pikschus* the best of luck, and noted it is a beautiful property.

In response to *Commissioner Mayer's* inquiry, *Mr. Pikschus* reported his neighbor to the south is a personal friend and is in favor of the project. He advised he also spoke directly with the neighbor to the east and came to a compromise that all parties agree on.

Omid Holakoui, resident, reported he is the neighbor behind and to the left of the property in question, and his family has three concerns. He advised their first concern is maintaining privacy but feels it is being addressed with the lack of windows and screening the balcony. He advised they are also concerned that their property was declined for a similar project and believes it should be reconsidered given this project may be approved. He also advised his third concern is regarding a potential decline in his property value because the view will now be obstructed.

In response to *Vice Chair Grahn's* inquiry, *Development Services Director Dalquest* explained if a resident wanted to build a second story on another structure that was not an ADU they would not qualify for a CUP. He explained they would have to build an ADU and apply for a CUP. He noted 10 years ago there was a different Municipal Code that prohibited a second story. He advised if *Mr. Holakoui* wants to apply for a CUP for an ADU on top of a detached structure he can do so.

In response to *Chair Aspinall's* inquiry, *Deputy City Attorney Maldonado* explained the Planning Commission cannot base their decision on economic considerations for this item.

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In response to *Commissioner Johnson's* inquiry, *Mr. Holakoui* reported his property is located at 2377 N. 1st Avenue and explained once *Mr. Pikschus* builds the ADU their view of Euclid Avenue is blocked completely.

Chair Aspinall closed the public hearing.

Commissioner Anderson reported in the last five to seven years the State of California has changed its position on ADUs and has made it much easier for residents to build one. She advised she lives in an ADU on her son's property and expressed support for the project.

Commissioner Johnson expressed support for the project and believes it will enhance the neighborhood.

Moved by *Commissioner Anderson* to find the project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines and to approve Conditional Use Permit No. CUP-21-0009 for the construction of a 920 square foot second story Accessory Dwelling Unit above an existing detached garage based on the findings and subject to the Conditions of Approval as set forth in the Resolution.

The motion was seconded by *Commissioner Johnson*.

The motion carried by the following vote (5-0-2):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Johnson, and Mayer*

NAYS: *None* ABSTAINED: *None*

ABSENT: *Commissioners Caldwell and Shim*

9. BUSINESS ITEMS

None

10. PLANNING COMMISSION COMMENTS

Commissioner Anderson wished everyone a Happy Thanksgiving.

11. ADJOURNMENT

Moved by *Commissioner Anderson* to adjourn the meeting to the regular scheduled Planning Commission meeting on December 15, 2021.

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (5-0-2):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Johnson, and Mayer*

NAYS: *None* ABSTAINED: *None*

ABSENT: *Commissioners Caldwell and Shim*

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 7:00 P.M., to the regular meeting of the Planning Commission on December 15, 2021, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission